REMARKS

The Applicants respectfully request reconsideration and allowance of claims 1, 2, 4-6, 9-14, 16-21, and 23, and consideration and allowance of new claims 26 and 27 in view of the arguments set forth below.

I. THE TELEPHONE INTERVIEW

The Applicants appreciate the telephone interview conducted between Applicants' Russell Culbertson and Examiners Nguyen and Thai on April 4, 2006. In the telephone interview, the Applicants' attorney pointed out that the Alcorn reference (U.S. Patent No. 6,620,047 described further below) did not disclose or suggest a player control touch screen display on a forwardly projecting ledge as required in the Applicants' claims. The Examiners suggested it was a matter of design choice to place such a touch screen display on the forwardly projecting ledge of a gaming machine as claimed. The Applicants' attorney pointed out that absent any teaching, suggestion, or motivation in the prior art to modify a reference, modification is improper under Section 103. The Examiners indicated that further searching would be conducted regarding the placement of a touch screen display as required in the present claims. No agreement as to the allowability of the claims was reached in the telephone interview.

II. THE AMENDMENTS

Claims 1 and 21 are amended above to require that the additional video display located above the game video display extend substantially the entire width of the gaming machine. These amendments are supported by Figure 1. Claim 5 is amended to require that the player interface is simply located in an area removed from the forwardly projecting ledge. This

limitation is supported by Figure 1 of the original disclosure and the disclosure text describing that figure. New claims 26 and 27 depend from claim 21 and respectively require one or more mechanical player input devices mounted on the forwardly projecting ledge, and one or more mechanical player interface devices mounted on the gaming machine in an area removed from the forwardly projecting ledge. These limitations are again supported by original Figure 1 and the disclosure text describing that figure.

III. THE CLAIMS ARE NOT OBVIOUS OVER MORROW AND ALCORN

The Office Action rejected claims 1, 2, 4-6, 9-14, 16-21, and 23 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0064771 to Morrow et al. ("Morrow"or the "Morrow reference") in view of U.S. Patent No. 6,620,047 to Alcorn et al. ("Alcorn" or the "Alcorn patent"). The Applicants respectfully traverse these rejections. In particular, the Applicants believe that the proposed combination of Morrow and Alcorn does not teach or suggest each element required by the present claims.

Independent Claims 1, 6, 14, and 21

Element (d) of claim 1 requires a player control touch screen display located below the game video display at the front side of the cabinet. The player control touch screen display extends substantially the entire width of the front side of the gaming machine and forms a portion of a forwardly projecting ledge located below the game video display. Independent claims 6 and 21 require similar limitations regarding a player control touch screen, and claim 14 requires a similar limitation except that the video display on the forwardly projecting ledge need not comprise a touch screen display.

The Office Action at the bottom of page 3 acknowledges that the Morrow reference does not disclose a player control touch screen display forming a forwardly projecting ledge below a game video display in a gaming machine. In order to make up for this deficiency in Morrow, the Office Action cites Column 4, lines 16-17 and Figure 3 of Alcorn as teaching that the control buttons 40 located below the video display shown in Alcorn could be touch screen buttons. (Office Action at p. 4, lines 6-9). The Applicants respectfully submit that the Alcorn patent simply does not teach or suggest employing a player control touch screen forming a portion of a forwardly projecting ledge as required by claims 1, 6, and 21 and their respective dependent claims, and does not teach or suggest a video display of any type forming a portion of a forwardly projecting ledge as required by claim 14 and its dependent claims.

Figures 1 and 2 of Alcorn clearly show mechanical buttons 40 on a forwardly projecting ledge below display 16. Figure 3 of Alcorn shows a user interface 42 that includes the mechanical buttons 40, a handle, and a touch screen. This touch screen is shown in Alcorn's Figure 3 clearly as being simply a lower part of the CRT display 16. At lines 60-63 of column 3, Alcorn teaches that the lower region 19 of display 16 includes touch screen buttons. At lines 9-18 of column 4, Alcorn states:

> An integrated touch screen overlaying the display screen, along with the series of "hard" buttons 40 arrayed along the bottom edge of the display, provide the main player interface to the system.
>
> In FIG. 3 of the drawing [sic], a generalized block diagram depicts the principal functional components of the system and includes a central processing unit (CPU) 45, the CRT 16, a user interface 42 that includes the touch screen buttons 40 [sic] and pull handle 39....

It is apparent when comparing the drawings in Alcorn to the textual description that the buttons 40 are mechanical buttons "arrayed" along the bottom of display 16 and are not touch screen buttons. The only touch screen buttons disclosed in Alcorn are buttons in the lower area 19 of

display 16 (see Alcorn Figures 1-3, and col. 3, lines 61-63). The reference in Alcorn at column 4, line 17 to "touch screen buttons 40" is obviously a typographical error omitting a comma after "touch screen." Despite this apparent typographical error in Alcorn, the Applicants submit that one of ordinary skill in the art would recognize that Alcorn teaches only mechanical buttons 40 on the forwardly projecting ledge below display 16, and does not suggest a player control touch screen on the ledge. It is only in hindsight, after considering the Applicants' own disclosure that one would take lines 16-17 of Alcorn to suggest a touch screen display on the ledge below display 16.

Because the cited references do not teach the ledge mounted player control touch screen display or other display, the Applicants respectfully submit that claims 1, 6, 14, and 21 are not obvious in view of the proposed combination of Morrow and Alcorn, and are entitled to allowance together with their respective dependent claims.

The Applicant notes the statement in the Office Action as follows.

> "since Alcorn et al. suggest the a [sic] slant-top player control interface can be used, it is obvious to utilize the slant-top video screen together with the mechanical player control devices mounted ledge (38) [sic]." (Office Action at p. 4, lines 9-12)

The Applicants respectfully submit there is no basis in the record for either the finding or conclusion set forth in this statement. Furthermore, what "is obvious" is not relevant under Section 103. The question is what would have been obvious to one of ordinary skill in the art acting at the time of the invention in question, and not what is obvious now.

The Applicants also note the statement at page 4 of the Office Action indicating that the arrangement of video displays in a gaming machine is a matter of design choice. The Applicants respectfully submit that simply characterizing a given feature is a matter of "design choice" does

not in any way substitute for a prima facie showing of obviousness. As discussed in the M.P.E.P. at Section 2143, three basic criteria must be met in order to make a *prima facie* showing of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Absent any one or more of these three criteria, an obviousness rejection is improper.

Applying these requirements to the present claims, it is apparent that Alcorn and Morrow, either taken alone or as combined, do not teach or suggest all of the claim limitations in independent claims 1, 6, 14, and 21. Each of claims 1, 6, and 21 requires a player control touch screen display located below the game video display at the front side of the cabinet, extending substantially the entire width of the front side of the gaming machine, and forming a portion of a forwardly projecting ledge located below the game video display. Claim 14 requires a video display located below two other video displays at the front side of the cabinet and forming a portion of a forwardly projecting ledge of the gaming machine. However, Alcorn and Morrow simply do not teach or suggest this ledge-mounted video display or player control touch screen feature. Furthermore, there is no teaching or suggestion in the prior art to modify either of these references to include this feature. Thus, the Office Action fails to make out a prima facie case of obviousness as to claims 1, 6, 14, and 21 and their respective dependent claims.

Claim 16

Independent claim 16 is directed to a method of making a game presentation at a gaming machine and requires displaying a first game presentation through a series of four video displays located at a front side of the gaming machine in columnar fashion, each respective video display showing a respective portion of the first game presentation and extending across substantially the entire width of the front side of the gaming machine. The Applicants submit that the Alcorn and Morrow patents do not teach or suggest any method employing this columnar arrangement of video displays, and thus that the rejection of claim 16 is improper.

Both Alcorn and Morrow disclose that the central video display does not extend substantially the entire width of the gaming machine. That is, both references show an area to the right of the center video display. Thus, even if there was some teaching or suggestion in the prior art to combine Alcorn and Morrow, the resulting combination would not teach or suggest all the claim limitations in claim 16. That is, combining Alcorn and Morrow would result in a gaming machine having a center video display that does not extend substantially the entire width of the gaming machine. The resulting gaming machine would not produce a game presentation as required at element (a) of claim 16; the resulting gaming machine would not produce a game presentation with four video display devices arranged in columnar fashion with each display extending substantially the entire width of the gaming machine.

Because the proposed combination of Alcorn and Morrow does not teach or suggest each element required in claim 16, the proposed combination cannot render the claim obvious.

For all of these reasons the Applicants respectfully submit that claim 16 is not obvious in view of Morrow and Alcorn, and is condition for allowance together with its dependent claims, claims 17-20.

IV. CONCLUSION

For all of the above reasons, the Applicants respectfully request reconsideration and allowance of claims 1, 2, 4-6, 9-14, 16-21, and 23, and consideration an allowance of new claims 26 and 27. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a further conference might expedite allowance of the claims, the Examiner is asked to telephone the Applicants' attorney Russell D. Culbertson at the number listed below.

Respectfully submitted,

The Culbertson Group, P.C.

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax No. 571-273-8300) on April 10, 2006.

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